

1 ANDRÉ BIROTE JR.
2 United States Attorney
3 ROBERT E. DUGDALE
4 Assistant United States Attorney
5 Chief, Criminal Division
6 STEVEN R. WELK
7 Assistant United States Attorney
8 Chief, Asset Forfeiture Section
9 KATHARINE SCHONBACHLER
10 Assistant United States Attorney
11 Asset Forfeiture Section
12 California Bar No. 222875
13 Federal Courthouse, 14th Floor
14 312 North Spring Street
15 Los Angeles, California 90012
16 Telephone: (213) 894-3172
17 Facsimile: (213) 894-7177
18 E-mail: Katie.Schonbachler@usdoj.gov

JS-6

19 Attorneys for Plaintiff
20 United States of America

21 UNITED STATES DISTRICT COURT
22 FOR THE CENTRAL DISTRICT OF CALIFORNIA
23 WESTERN DIVISION

24 UNITED STATES OF AMERICA,) NO. **2:11-cv-04607-JHN -VBKx**
25 Plaintiff,)
26 v.) CONSENT JUDGMENT OF FORFEITURE
27 \$55,859.05 IN WELLS FARGO BANK)
28 FUNDS AND \$5,566.00 IN U.S.)
CURRENCY,)
Defendants.)
VINCENT R. LEONARDIS AND)
Suzanne M. Ray,)
Claimants.)

1
///

1 This action was filed on May 27, 2011 against defendants
2 \$55,859.05 in Wells Fargo Bank Funds and \$5,566.00 in U.S.
3 currency (collectively referred to as "defendant funds").
4 Notice was given and published in accordance with law. Claimant
5 Vincent R. Leonardis filed a claim to the defendant \$55,859.05
6 in Wells Fargo Bank Funds on September 7, 2011 and an answer on
7 August 4, 2011. Claimant Suzanne M. Ray filed a claim to the
8 defendant \$5,566.00 in U.S. currency on September 7, 2011 and an
9 answer on August 4, 2011. (Vincent R. Leonardis and Suzanne M.
10 Ray will collectively be referred to as "claimants"). No other
11 claims or answers have been filed, and the time for filing
12 claims and answers has expired. The parties have reached an
13 agreement that is dispositive of this action and hereby request
14 that the Court enter this Consent Judgment of Forfeiture.

15 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

16 1. This Court has jurisdiction over the parties and the
17 subject matter of this action.

18 2. Notice of this action has been given in accordance
19 with law. All potential claimants to the defendant funds other
20 than claimants are deemed to have admitted the allegations of
21 the Complaint. The allegations set out in the Complaint are
22 sufficient to establish a basis for forfeiture.

23 3. The United States of America shall have judgment as to
24 \$46,425.05 of the defendant funds, with all interest earned by
25 the government on the full amount of the defendant funds, and no
26 other person or entity shall have any right, title or interest
27 therein. The United States Marshals Service is ordered to
28 dispose of said asset in accordance with law.

1 4. The sum of \$10,000.00 only, without interest, shall be
2 returned to claimant Vincent R. Leonardis by either check or
3 wire transfer. If the United States elects to make the payment
4 by check, the check will be payable to "Vincent R. Leonardis and
5 Sandra J. Applebaum, Attorney Client Trust Account," and mailed
6 to the Sandra J. Applebaum, Attorney, 1227 Buena Vista Street,
7 Suite E, Duarte, California 91010. If the United States elects
8 to make the payment by wire transfer, the funds will be wire
9 transferred to Sandra J. Applebaum, Attorney Client Trust
10 Account. Claimants and their attorneys shall provide any and
11 all information needed to process the return of these funds in
12 accordance with federal law.

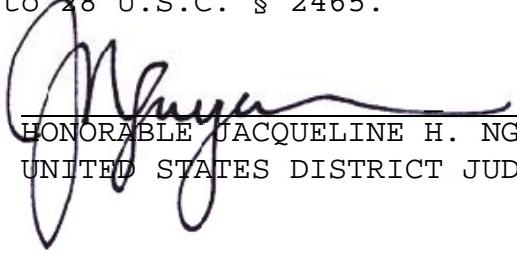
13 5. The sum of \$5,000.00 only, without interest, shall be
14 returned to claimant Suzanne M. Ray by either check or wire
15 transfer. If the United States elects to make the payment by
16 check, the check will be payable to "Suzanne M. Ray and Sandra
17 J. Applebaum, Attorney Client Trust Account," and mailed to
18 Sandra J. Applebaum, Attorney, 1227 Buena Vista Street, Suite E,
19 Duarte, California 91010. If the United States elects to make
20 the payment by wire transfer, the funds will be wire transferred
21 to the Sandra J. Applebaum, Attorney Client Trust Account.
22 Claimants and their attorneys shall provide any and all
23 information needed to process the return of these funds in
24 accordance with federal law.

25 6. Claimants, and each of them, hereby release the United
26 States of America, its agencies, agents, officers and attorneys,
27 including employees and agents of the Federal Bureau of
28 Investigation, as well as all agents, officers, employees and

1 representatives of any state or local government or law
2 enforcement agency involved in the investigation or prosecution
3 of this matter, from any and all claims, actions or liabilities
4 arising out of or related to the seizure of the defendant funds
5 or the prosecution of this action, including, without
6 limitation, any claim for attorney's fees, costs or interest
7 which may be asserted on behalf of the claimants, or either of
8 them, whether pursuant to 28 U.S.C. § 2465 or otherwise.

9 7. The court finds that there was reasonable cause for
10 the seizure of the defendant funds and institution of these
11 proceedings. This judgment shall be construed as a certificate
12 of reasonable cause pursuant to 28 U.S.C. § 2465.

13 Dated: December 28, 2011

14 
HONORABLE JACQUELINE H. NGUYEN
15 UNITED STATES DISTRICT JUDGE

16
17 [Signatures of counsel appear on next page.]
18
19
20
21
22
23
24
25
26
27
28

CONSENT

The parties hereto consent to the above Consent Judgment of Forfeiture and waive any right of appeal.

DATED: December ___, 2011 ANDRÉ BIROTTE JR.
United States Attorney
ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division
STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

/s/

KATHARINE SCHONBACHLER
Assistant United States Attorney

Attorneys for Plaintiff
United States of America

DATED: December , 2011

/s/
SANDRA J. APPLEBAUM, ESQ.

Attorney for Claimants
VINCENT R. LEONARDIS and
SUZANNE M. RAY

DATED: December ___, 2011

/s/
Claimant VINCENT R. LEONARDIS

DATED: December ___, 2011

/s/
Claimant SUZANNE M. RAY